

Application No. 09/940558
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Amendment
Attorney Docket No. S63.2B-9482-US01

Remarks

This Amendment is in response to the Office Action dated November 20, 2003. Each issue is discussed below.

Specification

The amendment filed on September 24, 2003, was objected to under 35 USC 132. It is asserted in the official action that the add language indicated on pages 3-4 of the official action is new matter.

Although Applicant does not concur with the rejection, claims 1-13 have been canceled and replaced with claims 63-76, which do not contain the asserted new matter.

§112 Rejections

Claims 1-2, 4 and 7-13 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement.

As mentioned above, claims 1-13 have been canceled and replaced with claims 63-76, which do not contain the asserted new matter.

Claims 1-2, 4 and 7-13 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As mentioned above, claims 1-13 have been canceled and replaced with claims 63-76, which do not contain the asserted new matter.

§103 Rejections

Claims 1, 2, 4, 9-13 and 59-60 were rejected under 35 USC §103(a) as being unpatentable over Saitou et al. (US 6451005) in view of Lunk et al. (US 4859836).

In response, the above rejected claims have been canceled and replaced with claims 63-76 to further distinguish the claimed invention from the cited references.

Claims 7-8 and 61-62 were rejected under 35 USC §103(a) as being obvious over Tomaschko et al. (US 2003/0023261 A1) in view of Lunk et al. (US 4859836).

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As mentioned above, claims 7-8 and 61-62 have been canceled. Nevertheless, under 35 USC §103(c), Tomaschko et al. (US 2003/0023261 A1) can not be used as prior art because, as conspicuously stated below, the rejected claimed invention of the present application and Tomaschko et al. (US 2003/0023261 A1) were owned by the same entity or subject to an obligation of assignment to the same entity at the time of invention.

Common Ownership Statement Under §103(c)

The inventions defined by claims 7-8 and Tomaschko et al. (US 2003/0023261 A1) were, at the time the invention defined in the cited claims was made, owned by or subject to an obligation of assignment to the same entity.

CONCLUSION

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited.

Respectfully submitted,

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